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SDAC^{11a}

10/607,043
34035US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Edward L. Sughrue et al.

Serial No.: 10/607,043

Group Art Unit: 1764

Filed: June 26, 2003

Examiner: Unknown

For: DESULFURIZATION WITH OCTANE ENHANCEMENT

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request for Reconsideration of Petition Under 37 CFR 1.47 is filed in response to the Decision Refusing Status Under 37 CFR 1.47(a) mailed from the USPTO on March 16, 2004. The petition was dismissed because the petition, submitted on December 18, 2003, lacked item (1), proof that the non-signing inventor refused to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings).

In support of this proof Applicants' representative hereby submits:

Attachment A) a letter to Inventor Bertus dated February 21, 2003 requesting assignment of the related invention, referred to as PI 21544, as well as i) a Declaration, Power of Attorney, and Petition document and ii) a form Assignment

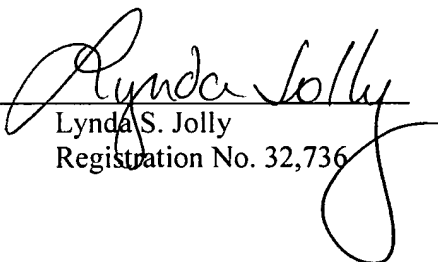
document. Inventor Bertus returned all paper work, unsigned, to Applicant's representative, Lynda Jolly; and

Attachment B) a copy of a certified letter sent to Inventor Bertus on May 14, 2004 again requesting i) Declaration, Power of Attorney, and Petition document and ii) a form Assignment document. Inventor Bertus did not return any of the paperwork to Applicant's representative by May 21, 2004, the date requested for return.

In view of the above comments and Attachments A and B, Applicants respectfully request that Inventor Bertus' conduct constitutes a refusal to sign and request that this application proceed based on this Petition.

Respectfully submitted,

RICHMOND, HITCHCOCK,
FISH & DOLLAR

By 
Lynda S. Jolly
Registration No. 32,736

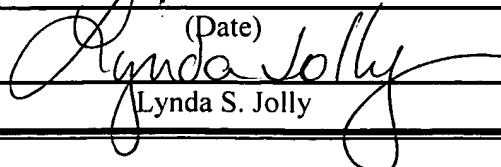
RICHMOND, HITCHCOCK
FISH & DOLLAR
P.O. Box 2443
Bartlesville, Oklahoma 74005
1-918-661-0611

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on

JUN 1 0 2004

(Date)


Lynda S. Jolly

ATTACHMENT A

February 21, 2003

Dr. Brent Bertus
1318 SE Swan Drive
Bartlesville, OK 74006

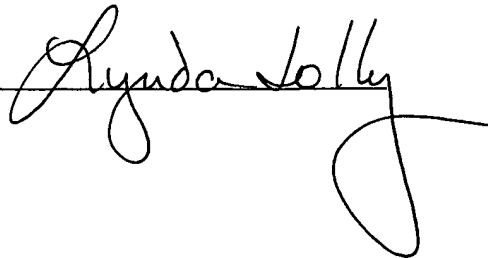
Dear Dr. Bertus:

This letter, when accepted by you in the space provided below, and in consideration of ConocoPhillips Company agreeing to file and prosecute patent application(s) arising out of the attached Patent Idea Record, known as PI 21544, one dollar, receipt of which is hereby acknowledged, and paying you as ConocoPhillips Company pays other employee inventors, constitutes an agreement on your part to sell, assign and transfer to ConocoPhillips Company your entire right, title, and interest in and to all intellectual property (including but not limited to creations, conceptions, inventions, trade secrets, copyrights and other works) which you have made, or may make, alone or with others relating to PI 21544.

You also agree, as ConocoPhillips Company may request, for purposes of recording or otherwise, a specific unrestricted written assignment of any such intellectual property as set forth in the preceding paragraph, and you shall promptly honor such request. You further agree to sign all papers, make all rightful oaths and do all requisite acts for filing of any disclaimer or for the filing and assignment of any divisional, continuing, reissue or foreign application or applications based on PI 21544. You further agree to communicate to ConocoPhillips Company, its successors and other legal representatives, such facts relating to PI 21544 as may be known to me, and to testify to such facts in any prosecution, interference or litigation.

Very truly yours,

CONOCOPHILLIPS COMPANY

By 

ACCEPTED AND AGREED TO THIS

_____ day of _____, 2003.

Dr. Brent Bertus

(Tax Identification No.)

DECLARATION, POWER OF ATTORNEY, AND PETITION

To The Commissioner of Patents and Trademarks:

I, Brent J. Bertus, declare:

that my residence, mailing address and citizenship are as stated below;

that I have reviewed and understand the contents of application Serial No. 10/607,043, filed June 26, 2003, including the specification and claims and I verily believe I, Edward L. Sughure II, Bobby G. Cockrell and Glenn W. Dodwell are the original, first, and joint inventors or discoverers of the invention or discovery in **DESULFURIZATION WITH OCTANE ENHANCEMENT** described and claimed therein and for which a patent is sought;

I acknowledge my duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations § 1.56;

and I hereby appoint Jeffrey R. Anderson, Registration No. 42,263; Anne E. Brookes, Registration No. 33,066; Ryan N. Cross, Registration No. 33,861; Beverly M. Dollar, Registration No. 32,870; Gary L. Haag, Registration No. 35,529; Lynda S. Jolly, Registration No. 32,736; Kim S. Manson, Registration No. 42,839; Patricia A. Meier, Registration No. 43,798; and David W. Westphal, Registration No. 32,673; who comprise the firm of **Richmond, Hitchcock, Fish & Dollar, P. O. Box 2443, Bartlesville, Oklahoma, 74005**, Registration No. 20,286; my representatives with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Wherefore I pray that Letters Patent be granted to ConocoPhillips Company, a corporation organized and existing under the laws of the State of Delaware and domiciled and having an office at Bartlesville, Oklahoma, as assignee, for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney and this petition.

Last Bertus	First Brent	Middle J.	Country of Citizenship United States of America
Residence Address 1318 Swan Drive	City Bartlesville	Sate (or Foreign Country) Oklahoma	Zip Code 74006
Post Office Address 1318 Swan Drive	City Bartlesville	State (or Foreign Country) Oklahoma	Zip Code 74006
Inventor's Signature		Date of Signature	

Correspondence Address:

RICHMOND, HITCHCOCK, FISH & DOLLAR
P.O. Box 2443
Bartlesville, Oklahoma 74005

ASSIGNMENT

WHEREAS, we, Edward L. Sughrue II, Bobby G. Cockrell, Glenn W. Dodwell and Brent J. Bertus of Bartlesville, Oklahoma have made a certain invention entitled:

DESULFURIZATION WITH OCTANE ENHANCEMENT

which is described and claimed in that application for Letters Patent of the United States having attorneys docket designation 34035US,

and WHEREAS, ConocoPhillips Company, a corporation of Delaware, is desirous of acquiring an interest in said invention,

NOW, THEREFORE, in consideration of one dollar, receipt of which is hereby acknowledged, and other good and valuable consideration, we, Edward L. Sughrue II, Bobby G. Cockrell, Glenn W. Dodwell and Brent J. Bertus by these presents do sell, assign, and transfer unto ConocoPhillips Company the full and exclusive right, for the territory of the United States of America and for all foreign countries, in and to the said invention, as described in said application executed on even dates herewith, preparatory to obtaining Letters Patent of the United States therefor; said invention, application and Letters Patent to be held and enjoyed by the said ConocoPhillips Company, for its own use and behalf, and for its legal representatives, to the full end of the term for which said patent or patents may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made.

AND we do further agree to sign all papers, make all rightful oaths and do all requisite acts for the filing of any disclaimer or for the filing and assignment of any divisional, continuing, reissue or foreign application or applications based on the present application.

AND we do further agree to communicate to ConocoPhillips Company, its successors, assigns or other legal representatives, such facts relating to said invention as may be known to us, and to testify as to such facts in any prosecution, interference or litigation.

Executed by the undersigned on the dates indicated.

In the presence of

Witness

Brent J. Bertus

Date

Post Office Address:
RICHMOND, HITCHCOCK, FISH & DOLLAR
P.O. Box 2443
Bartlesville, Oklahoma 74005

ATTACHMENT B



Bartlesville, OK 74004

CORPORATE LEGAL SERVICES

LYNDA S. JOLLY
INTELLECTUAL PROPERTY GROUP
216 PATENT LIBRARY BUILDING
Tel: (918) 661-0611
FAX: (918) 661-8739
E-MAIL: L.JOLLY@CONOCOPHILLIPS.COM

May 14, 2004

Brent J. Bertus
1318 Swan Drive
Bartlesville, OK 74006

Re: Declarations and Assignments for Case 34035US

Dear Brent:

The enclosed declarations and assignment relate to Case 34035US which was filed in the United States Patent Office on June 26, 2003. A copy of the directions for execution and assignment of the attached patent application is enclosed.

Please sign and date in BLUE ink both copies of the declaration. If the legal form of your name which you prefer differs from the way it is typed in the declaration, please return the papers so we can revise the declaration accordingly.

Please sign and date in BLUE ink both copies of the Assignment in the presence of a witness.

Please return all signed papers to me in the enclosed, stamped, self-addressed envelope by Friday May 21, 2004. Please keep the copy of the application enclosed and only return the two copies of the declaration and assignment.

Thank you for your assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Lynda S. Jolly".

Lynda S. Jolly
Senior Counsel

LSJ:ck
Enclosures

DECLARATION, POWER OF ATTORNEY, AND PETITION

To The Commissioner of Patents and Trademarks:

I, Brent J. Bertus, declare:

that my residence, mailing address and citizenship are as stated below;

that I have reviewed and understand the contents of application Serial No. 10/607,043, filed June 26, 2003, including the specification and claims and I verily believe I, Edward L. Sughure II, Bobby G. Cockrell and Glenn W. Dodwell are the original, first, and joint inventors or discoverers of the invention or discovery in **DESULFURIZATION WITH OCTANE ENHANCEMENT** described and claimed therein and for which a patent is sought;

I acknowledge my duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations § 1.56;

and I hereby appoint Jeffrey R. Anderson, Registration No. 42,263; Anne E. Brookes, Registration No. 33,066; Ryan N. Cross, Registration No. 33,861; Beverly M. Dollar, Registration No. 32,870; Gary L. Haag, Registration No. 35,529; Lynda S. Jolly, Registration No. 32,736; Kim S. Manson, Registration No. 42,839; Patricia A. Meier, Registration No. 43,798; and David W. Westphal, Registration No. 32,673; who comprise the firm of **Richmond, Hitchcock, Fish & Dollar, P. O. Box 2443, Bartlesville, Oklahoma, 74005**, Registration No. 20,286; my representatives with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Wherefore I pray that Letters Patent be granted to ConocoPhillips Company, a corporation organized and existing under the laws of the State of Delaware and domiciled and having an office at Bartlesville, Oklahoma, as assignee, for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney and this petition.

Last Bertus	First Brent	Middle J.	Country of Citizenship United States of America
Residence Address 1318 Swan Drive	City Bartlesville	Sate (or Foreign Country) Oklahoma	Zip Code 74006
Post Office Address 1318 Swan Drive	City Bartlesville	State (or Foreign Country) Oklahoma	Zip Code 74006
Inventor's Signature		Date of Signature	

Correspondence Address:

RICHMOND, HITCHCOCK, FISH & DOLLAR
P.O. Box 2443
Bartlesville, Oklahoma 74005

ASSIGNMENT

WHEREAS, we, Edward L. Sughrue II, Bobby G. Cockrell, Glenn W. Dodwell and Brent J. Bertus of Bartlesville, Oklahoma have made a certain invention entitled:

DESULFURIZATION WITH OCTANE ENHANCEMENT

which is described and claimed in that application for Letters Patent of the United States having attorneys docket designation 34035US,

and WHEREAS, ConocoPhillips Company, a corporation of Delaware, is desirous of acquiring an interest in said invention,

NOW, THEREFORE, in consideration of one dollar, receipt of which is hereby acknowledged, and other good and valuable consideration, we, Edward L. Sughrue II, Bobby G. Cockrell, Glenn W. Dodwell and Brent J. Bertus by these presents do sell, assign, and transfer unto ConocoPhillips Company the full and exclusive right, for the territory of the United States of America and for all foreign countries, in and to the said invention, as described in said application executed on even dates herewith, preparatory to obtaining Letters Patent of the United States therefor; said invention, application and Letters Patent to be held and enjoyed by the said ConocoPhillips Company, for its own use and behalf, and for its legal representatives, to the full end of the term for which said patent or patents may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made.

AND we do further agree to sign all papers, make all rightful oaths and do all requisite acts for the filing of any disclaimer or for the filing and assignment of any divisional, continuing, reissue or foreign application or applications based on the present application.

AND we do further agree to communicate to ConocoPhillips Company, its successors, assigns or other legal representatives, such facts relating to said invention as may be known to us, and to testify as to such facts in any prosecution, interference or litigation.

Executed by the undersigned on the dates indicated.

In the presence of

Witness

Brent J. Bertus

Date

Post Office Address:
RICHMOND, HITCHCOCK, FISH & DOLLAR
P.O. Box 2443
Bartlesville, Oklahoma 74005

CERTIFIED

5/14/2004

PHILLIPS PETROLEUM CO
BARTLESVILLE, OK
74004

#	NUMBER	ADDRESSEE	CITY/STATE	PSTG FEE	RR	SENDER
1	70032260000394238010	BRENT BERTUS	BARTLESVILLE OK	2.90	1.75	LYNDA JOLLY
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ATTACHMENT B



SENT TO P.O.

REC AT P.O.

POSTMASTER, PER

1

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[Signature]

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

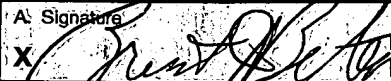
1. Article Addressed to:

Brent J. Bertus
1318 Swan Dr.
Bartlesville, OK 74006

2. Article Number
(Transfer from)

7003 2260 0003 9423 8010

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

BRENT BERTUS

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type:

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
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USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

ConocoPhillips
411 S. Keeler
Bartlesville OK 74004

c/o Lynda S Jolly
216 PLB